

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
JANUARY 19, 2011

CALL TO ORDER: A quorum of the Board of Veterinary Medicine (Board) was called to order at 10:10 a.m. at the Department of Health Professions (DHP), Perimeter Center, Henrico, VA.

PRESIDING OFFICER: Joseph A. May, DVM, President

MEMBERS PRESENT: John Wise, DVM
James DeBell, DVM
Taryn Singleton, LVT
Kelly Gottschalk, DVM
Constance Pozniak, DVM
Dorothy Blackwell

STAFF PRESENT: Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Elaine Yeatts, Senior Policy Analyst
Diane Reynolds-Cane, M.D., Director, Department of Health Professions
Eric Gregory, Assistant Attorney General
Elizabeth Carter
Peggy Wood

OTHERS PRESENT: Rachel Touroo, DVM, Virginia Department of Agriculture and Consumer Services (VDACS), Office of Veterinary Services

ORDERING OF AGENDA: Ms. Knachel stated that under the presentation from the Virginia Department of Agriculture and Consumer Services, Office of Veterinary Services, the Code of Virginia (Code) citation is listed incorrectly. The correct Code citation should be §54.1-3423(E). She also stated that Dr. Rachel Tourou would be making the presentation instead of Dr. Daniel Kovich. Ms. Yeatts stated that under Legislative/Regulatory Update, the Board should also discuss introduced legislation. On properly seconded motion by Ms. Blackwell, the Board voted unanimously to approve the agenda with the above changes.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the full board meeting of October 20, 2010, as presented.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the Public Hearing of October 20, 2010, as presented.

DIRECTOR'S REPORT: Dr. Cane stated that she was going to forego her usual comments and asked Mr. Gregory to please stand. Dr. Cane presented Mr. Gregory with a plaque in recognition of

his service to the Commonwealth and the Department of Health Professions for his work as counsel to the Boards of Optometry, Veterinary Medicine and Health Professions and the Health Practitioners Monitoring Program. Mr. Gregory is leaving the Attorney General's Office for a position with the county of Powhatan. Mr. Gregory thanked Dr. Cane and the Board and stated that he had enjoyed working with them. Dr. Cane additionally stated that the agency has five legislative proposals in the Governor's package and that Ms. Yeatts would discuss this later during the Board's meeting.

**PRESENTATION FROM VDACS
ON §54.1-3423(E) :**

Dr. Rachel Touroo, from VDACS, Office of Veterinary Services, addressed the Board regarding the role of veterinarians in pounds and shelters. She stated that recent changes made to §54.1-3423(E) concerning prevention, control and treatment of certain communicable diseases in pounds and shelters have been construed by the pounds and shelters to give broad access to order any Schedule VI drug to treat the animals housed there. They are ordering medication for palliative treatment in order to circumvent veterinary treatment and this is clearly not what the law intended. Dr. Touroo stated that the State Veterinarian's Office requires pounds and shelters to have supervising veterinarians and Directives 70-1 and 83-1 clearly outline the role of the supervising veterinarian. She stated that the State Veterinarian's Office wants veterinarians to supervise but believes they need guidance on the law and what it allows.

Ms. Knachel stated that a joint guidance document would be drafted internally between the Board of Pharmacy and the Board of Veterinary Medicine, with input by VDACS, to clearly define the role of the supervising veterinarian. She stated that she hopes to have a draft to present to the Board at its next meeting.

COMMITTEE REPORTS:

INSPECTION COMMITTEE:

Ms. Singleton reported on the meeting of the committee held the previous day. She stated that the inspection form had not been updated since 1997 and this is something the committee will be working on. They will look at the current form and the regulations and draft a new form that reflects the current regulations. They will also formulate a guidance document to more fully inform veterinary facilities what the inspector will be looking at during an inspection.

LEGISLATIVE/REGULATORY COMMITTEE:

Dr. May reported on the meeting held prior to the Board meeting this morning. He stated that the committee had voted to present two motions to the full board and advised the Board of what the two motions entailed. On properly seconded motion by Dr. Gottschalk, the Board voted that the two motions recommended by the committee (see minutes from Legislative/Regulatory Committee meeting held on January 19, 2011) be promulgated by the fast track regulatory method.

LEGISLATIVE/REGULATORY UPDATE: Ms. Yeatts directed the Board to the proposed responses to the public comments made on the proposed fee increase. She stated that the theme from the comments is that no fee is justified as the Board is not doing its job and a general dissatisfaction with boards of veterinary medicine. Dr. May requested that a summary regarding the necessity for a fee increase be added to the proposed responses, including the Code sections that mandate the Board's budget. Dr. May also requested that the proposed responses include that monetary penalties do not go to the Board, but go to the Literary Fund. The Board suggested a few additional changes to the proposed responses. On properly seconded motion by Dr. Gottschalk, the Board approved the agency responses to the comments with the recommended changes.

On properly seconded motion by Dr. Pozniak, the Board voted unanimously to approve the final regulations on fee increases as proposed.

Ms. Yeatts updated the Board on legislation that the agency is tracking.

HB1541 – deals with the care of agricultural animals and is assigned to VDACS, but she wanted to make the Board aware of it just for informational purposes.

HB2195 – is assigned to the Department of Health Professions and deals with an amendment to Chapter 38 to make it a Class V felony to perform de-vocalization surgery on felines and canines unless necessary to protect their health. Ms. Yeatts stated that the Virginia Veterinary Medical Association is opposed to it because sometimes having this surgery is the only thing that keeps an animal from being euthanized.

**REVIEW OF PRESENTATION
TO VETERINARY STUDENTS:**

Ms. Knachel provided background information that Dr. DeBell had been in contact with Dr. Pelzer at the Virginia-Maryland Regional College of Veterinary Medicine regarding a presentation to the school's students. Ms. Knachel has contacted Dr. Pelzer and reported that a presentation could be given to the veterinary students at Virginia Tech by video conferencing if the Board desires to do it that way. She also reported that Virginia Tech has offered to pay for one night at the Virginia Tech Inn if a Board member wants to provide the presentation in person. She reminded board members that they have to be careful about answering questions or speaking for the board and that the video conferencing abilities will permit her to be present to answer procedural questions. Ms. Knachel reported that the presentation would consist of information about regulatory boards in general and then provide Virginia's information on government structure, the Board's structure, the Board's function, and the Board's website. In addition, information would be provided on the difference between statute and regulation, the significance of guidance documents, the promulgation process and the involvement of licensees in that process, the Virginia Regulatory Town Hall website, the licensure process, the disciplinary process

and the distinction between the board and professional associations. The presentation would be about one hour in duration.

Ms. Singleton suggested that continuing education requirements be added. Dr. May suggested that the conference be taped for the school library and also made available to local associations. Ms. Knachel added continuing education requirements to the presentation and will check into Dr. May's suggestions.

**EXECUTIVE DIRECTOR'S
REPORT:**

Statistics and Budget

Ms. Knachel reported that the Board's detailed budget information as of November 30, 2010, is contained in the agenda packet for the board members review.

Ms. Knachel reported that 5,793 licensees of the Board of Veterinary Medicine have renewed as of today.

Going Green

Ms. Knachel reported that four boards were involved in the Going Green pilot program. She stated that 14,834 renewal notifications were sent via email. The email notification process resulted in 6,712 renewals thus saving the participating boards printing and mailing costs. Ms. Knachel reported that 1,915 of the Board's licensees renewed in response to the email notification. The board staffs continue to actively collect email addresses.

Newsletter

Ms. Knachel reported that she will try to do more frequent and shorter newsletters. She stated that we will continue include an article asking licensees to consider providing an email address to the Board. Ms. Knachel stated that the next newsletter should be ready to be sent out in the next couple of weeks and if anyone has any pressing information to include, please send it in right away.

Probable cause forms

Ms. Knachel reiterated to board members to please send in the probable cause forms by email.

Continuing Education (CE) audit

Ms. Knachel reported that board staffs will be conducting another random CE audit in the near future and that the agency uses a formula to come up with a statically significant number of licensees which are then randomly chosen by computer.

SANCTION REFERENCE POINTS

Ms. Knachel reported that the Sanction Reference Points worksheet will be placed on the agenda for the next board meeting for possible modifications as requested by the Board's President.

NEW BUSINESS:

The Board reviewed an email from a licensee requesting a continuance on obtaining his 2010 CE due to family matters that prevented him from attending a conference he had

planned to attend.

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the CE extension request.

Dr. DeBell voiced concern over the reassignment of cases and the scheduling of hearings, giving a disproportionate caseload to some board members. Ms. Knachel and Ms. Behr stated that they would work to address this issue.

ADJOURN:

There being no further business the Board adjourned at 12:30 p.m.

Joseph May, DVM, President

Leslie L. Knachel, MPH, Executive Director

